IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17724 of 2005

Between:

1. Guglothu Balya and 4 others.

..... PETITIONERS

AND

1. Government of A.P., rep. by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2. The District Collector, Nalgonda District, Nalgodna.
3. The Revenue Divisinal Officer, Suryapet, Nalgonda District.
4. The Superintending Engineer, Panchayat Raj Dept.,

Nalgonda, Nalgonda District.
5. The Superintending Engineer, R & B, Nalgonda,

Nalgonda District.

.....RESPONDENTS

Counsel for the Petitioner: MR.PALLENAGESWAR RAO
Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus, declaring the action of the respondents in laying the road through the agricultural patta lands of the petitioners in an extent of Ac.15.28 guntas situated in Survey Nos.53, 67, 84,

82, 85, 55,68, 87, 45,47 and 92 of Gopa Thanda, Nederavi Revenue village, Mothe Mandal, Nalgonda District without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

2. Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents 1 to 3, learned Government Pleader for Panchayat Raj appearing on behalf of the 4th respondent and the learned Government Pleader for Roads and Buildings appearing on behalf of the fifth respondent.

3. The learned counsel for the petitioner contended that the petitioners are the absolute owners of their respective lands as mentioned in the petition and the said lands are the private lands which are in possession and enjoyment of the petitioners. It is his further contention that without initiating any land acquisition proceedings, and without issuing any notice, the respondents are trying to acquire their respective lands in the process of road widening.

4. On the other hand, the learned counsel for the first respondent contended that on mere apprehension only, the petitioners filed this writ petition, and the respondents have not been taken any steps for laying the road.

5. The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after

considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

5. Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for acquiring the lands of the petitioners without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

6. The Writ Petition is, accordingly, disposed of. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 12.08.2005

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